

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

THOMAS W. CURTIS,

Plaintiff,

v.

HWANGS LAW GROUP,

Defendant.

Case No. 2:21-cv-01610-GMN-EJY

**ORDER**

On August 31, 2021, Plaintiff, who is in the custody of Lake's Crossing Center, filed an application to proceed *in forma pauperis* together with a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* and current financial attachments are dated in December 2020. Plaintiff's Complaint reflects it was signed on December 14, 2020. Plaintiff offers no explanation for why he waited or could not file these documents before the end of August 2021.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an incarcerated individual seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the individual to file the civil action without prepaying the full \$402 filing fee. Plaintiff's application demonstrates an inability to pay, but the Court is concerned with the accuracy of the financial information Plaintiff provided as required by law. Specifically, Plaintiff's financial certificate and account statement are so old that the Court cannot accept those as accurate at this time.

Accordingly, the Court will hold in abeyance Plaintiff's *in forma pauperis* application and require Plaintiff to file an updated **Financial Certificate** properly signed by both Plaintiff and a facility official (i.e. page 4 of this Court's approved form), and updated **fund account statement for the previous six-month period**.

The Court will retain Plaintiff's civil rights Complaint (ECF No. 1-1), but the Court will not file the Complaint unless and until Plaintiff timely files these updated documents.

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff **must** file an updated **Financial Certificate** properly signed by both Plaintiff and a facility official (i.e. page 4 of this Court's approved form), and updated **fund account statement for the previous six-month period** by **October 29, 2021**.

IT IS FURTHER ORDERED that the Clerk of the Court **shall** send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that, if Plaintiff does not file a new fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **October 29, 2021**, the Court will recommend dismissal of this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's Complaint (ECF No.1-1) but will not file it at this time.

IT IS FURTHER ORDERED that failure to timely comply with this Order will result in a recommendation to dismiss Plaintiff's claim without prejudice.

Dated this 2nd day of September, 2021.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE